

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN IGARTUA,	:	
<i>on behalf of himself and all others similarly</i>	:	
<i>situated,</i>	:	
	:	24-CV-6749 (VSB)
Plaintiff,	:	
	:	<b><u>ORDER</u></b>
-against-	:	
	:	
DAGGA LLC d/b/a JUST A LITTLE HIGHER:	:	
UPPER WEST SIDE,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on September 5, 2024, (Doc. 1), and filed an affidavit of service on October 1, 2024, (Doc. 6). The deadline for Defendant to respond to Plaintiff’s complaint was October 17, 2024. On December 2, 2024, I directed Plaintiff to seek default judgment by no later than December 13, 2024. (Doc. 8.) I warned, “If Plaintiff fails to do so or otherwise demonstrate that he intends to prosecute this litigation, I will dismiss Plaintiff’s claims for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).” (*Id.*) To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has not sought default judgment or taken any action to prosecute this case.


Accordingly, it is hereby:

ORDERED that this action is DISMISSED for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: December 16, 2024  
New York, New York

  
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VERNON S. BRODERICK  
United States District Judge